

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the above amendments and in light of the following discussion, is respectfully requested.

Claims 11-16 and 25-34 are pending. In the present amendment, Claims 25-34 are added. Support for Claims 25-34 can be found in the original specification, for example, at page 1, lines 3-13 and 20-22, at page 7, lines 5-13, at page 8, lines 4-25, at page 11, line 19 to page 12, line 3, at page 12, lines 11-19, in Figures 1-5, and in Claim 11. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, Claims 11-16 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Hwang with further evidence provided by Ries, Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hwang in view of Mushovic, and Claims 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hwang in view of Ries.

In response to the rejections of Claims 11-16 under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections, as discussed below.

The present invention, as recited in Claim 11 for example, is a prefabricated tubular body. This body comprises:

integral centralizer formations, said formations being formed as projections molded directly onto the tubular body from moldable materials comprising a curable resin, ceramic particulate filler materials, and chopped carbon fiber.

Applicants acknowledge that the primary patent used to reject the claims, Hwang, discloses a damper which can be constructed using antistatic agents. However, Hwang does not disclose or suggest the type of antistatic agents which can be used. Further, the claimed “chopped carbon fiber” is certainly not disclosed or suggested by Hwang. Thus, the broad

generic term of antistatic agents does not allow a person of ordinary skill in the art to at once envisage chopped carbon fiber as a member of the generic class. See MPEP 2131.02.

Therefore, the anticipation rejection under 35 U.S.C. § 102(b) using Hwang must be withdrawn.

The outstanding Office Action also asserts that Claim 11 would have been obvious based on Hwang in view of Ries et al. Specifically, the Office Action states that “where Hwang discloses the use of antistatic fillers and it is considered old and well known in the art that carbon fibers are used as antistatic fillers in pipes, as evidenced by Ries in paragraph [0121] and [0128]...”

Although Ries lists carbon fibers as one example of “additives which give the product antistatic properties or electrical conductivity,”¹ the prior art must be considered in its entirety. Hwang is directed to a damper that includes vibration damping material that comprises a viscoelastic material.² Hwang describes the viscoelastic material as “one that is viscous, and therefore capable of dissipating energy, yet exhibits certain elastic properties, and therefore capable of storing energy at the desired temperature and frequency range.”³ Hwang also states that the vibration damping material can include additives such as antistatic agents.⁴

However, MPEP 2143.01 V. notes that “[i]f the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” Thus, antistatic agents that would render the damper unsuitable for damping vibrations are not inherently included in, or obvious to combine with, the damper of Hwang. Accordingly, not every antistatic agent can be used in the damper described in Hwang.

¹ See Reis, at paragraph [0121].

² See Hwang, at column 3, lines 24 and 25.

³ See Hwang, at column 3, lines 25-28.

⁴ See Hwang, at column 5, lines 32-37.

Further, as discussed in the previous response, which is incorporated herein by reference, with respect to the combination of Hwang and Ries, a person of ordinary skill in the art would not use just any antistatic agent with the viscoelastic material of Hwang and would certainly not select an antistatic agent that would render the damper unsuitable for its intended purpose. The Office Action does not take into account that there are many antistatic materials other than the three materials cited in Ries et al.

For at least these reasons, the rejection under 35 U.S.C. § 103(a) of the claims as being obvious over Hwang in view of Ries is respectfully requested to be withdrawn.

Similarly to the combination of Hwang and Ries discussed above, a person of ordinary skill in the art would not necessarily select the carbon fiber described in Mushovic as the antistatic agent of Hwang. As discussed in the previous response, which is incorporated herein by reference, the objective of Mushovic is to obtain enhancement of rigidity.⁵ If the rigidity of the damper of Hwang were increased, such a combination could result in a damper that was too rigid to dampen vibrations and may become easy to break, rendering the damper unsuitable for its intended purpose.

Accordingly, the rejection under 35 U.S.C. § 103(a) utilizing Hwang in view of Mushovic is respectfully requested to be withdrawn.

New Claims 25-34 are added by the present amendment. Support for Claims 25-34 can be found in the original specification, for example, at page 1, lines 3-13 and 20-22, at page 7, lines 5-13, at page 8, lines 4-25, at page 11, line 19 to page 12, line 3, at page 12, lines 11-19, in Figures 1-5, and in Claim 11. Thus, it is respectfully submitted that no new matter is added.

⁵ See Mushovic at Example 4, column 4, lines 46-48. See also the regulation of the thermal expansion and col. 23, lines 26-33.

As Claims 25-30 depend on independent Claim 11, it is respectfully submitted that Claims 25-30 patentably define over the cited references for at least the reasons discussed above with respect to Claim 11.

Claim 31 is an independent claim that recites a prefabricated tubular body comprising “the tubular body; and means for centralizing the tubular body downhole, wherein the means for centralizing are molded directly to an outside of the tubular body.” As discussed above, Hwang describes a damper to dampen vibrations. Column 8, lines 35-50 of Hwang list a variety of articles that can be dampened with the invention, such as golf clubs shafts, light poles, and states that “the damper of the invention fits snugly within the article which it damps.”

It is respectfully submitted that a person of ordinary skill in the art would not use the damper of Hwang for centralizing a tubular body downhole. Instead, the damper of Hwang is designed to fit within a shaft to be dampened. Accordingly, a person of ordinary skill in the art would not put the damper of Hwang on the outside of a tubular body to be placed downhole since the hole itself does not need vibration dampening. Further, the secondary references (Ries and Mushovic) do not cure these deficiencies of Hwang. Therefore, it is respectfully submitted that Claim 31 and Claim 32, which depends on Claim 31, patentably define over the cited references.

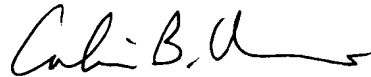
Claim 33 is an independent claim that recites a prefabricated tubular body system comprising “a well bore leading to oil or gas; and the tubular body positioned in the well bore, wherein the tubular body includes integral centralizer formations, said formations being formed as projections molded directly onto the tubular body from moldable materials comprising a curable resin, ceramic particulate filler materials, and chopped carbon fiber.” As discussed above, Hwang describes a damper to dampen vibrations for golf clubs shafts, light poles, etc.

Hwang does not disclose or suggest a well bore leading to oil or gas or using the damper to dampen a tubular body positioned in such a well bore. Accordingly, Hwang does not disclose or suggest every feature recited in the system of Claim 33. Further, the secondary references (Ries and Mushovic) do not cure these deficiencies of Hwang. Therefore, it is respectfully submitted that Claim 33 and Claim 34, which depends on Claim 33, patentably define over the cited references.

Consequently, in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

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